



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT REPORT**

▶ **FILE #:** 4-A-12-SP

AGENDA ITEM #: 35

AGENDA DATE: 4/12/2012

▶ **APPLICANT:** PHILIP IRMINGER AND ELISE IRMINGER

OWNER(S): Philip Irminger and Elise Irminger

TAX ID NUMBER: 94 G J 020

JURISDICTION: Council District 6

▶ **LOCATION:** Northeast side Western Ave., northwest of Major Ave.

▶ **APPX. SIZE OF TRACT:** 12000 square feet

SECTOR PLAN: Central City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Acces is via Western Ave., a major arterial street with 50' of pavement width within 75-85' of right-of-way in this section.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **PRESENT PLAN AND ZONING DESIGNATION:** LDR (Low Density Residential) / C-3 (General Commercial)

▶ **PROPOSED PLAN DESIGNATION:** MDR (Medium Density Residential)

▶ **EXISTING LAND USE:** Residential

▶ **PROPOSED USE:** Residential

EXTENSION OF PLAN DESIGNATION: No

HISTORY OF REQUESTS: None noted

SURROUNDING LAND USE AND PLAN DESIGNATION: North: Residential / LDR (Low Density Residential)

South: Western Ave. - Residence / C (Commercial)

East: Parking lot / LDR (Low Density Residential)

West: Vacant property / LDR (Low Density Residential)

NEIGHBORHOOD CONTEXT This area is developed with a mix of uses under R-1A, R-2, C-1, C-3 and I-3 zoning.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION # 4-A-12-SP, amending the Central City Sector Plan to MDR (Medium Density Residential) and recommend that City Council also approve the sector plan amendment to make it operative. (See attached resolution, Exhibit A.)**

This amendment will bring the sector plan into consistency with the current and proposed future residential use of the subject property. MDR uses would be compatible with the surrounding land uses and zoning pattern. Rezoning and One Year Plan amendment applications accompany this application (4-A-12-RZ/4-A-12-PA).

COMMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No known improvements to Western Ave. have occurred in recent years, but it is scheduled for improvements in the near future to the west. The existing streets and utilities are sufficient to accommodate the proposed use of the site.

ERROR OR OMISSION IN CURRENT PLAN:

The current sector plan proposes low density residential uses for this area. Staff has recommended amending the plan to medium density residential, as this designation is consistent with both the existing and proposed use of the property involved.

CHANGES IN GOVERNMENT POLICY:

No changes in government policy impact this proposal.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

This site has been zoned C-3 for general commercial uses for many years, but residential continues to be the only use desired. In order to allow future residential improvements, the plan should allow for residential uses.

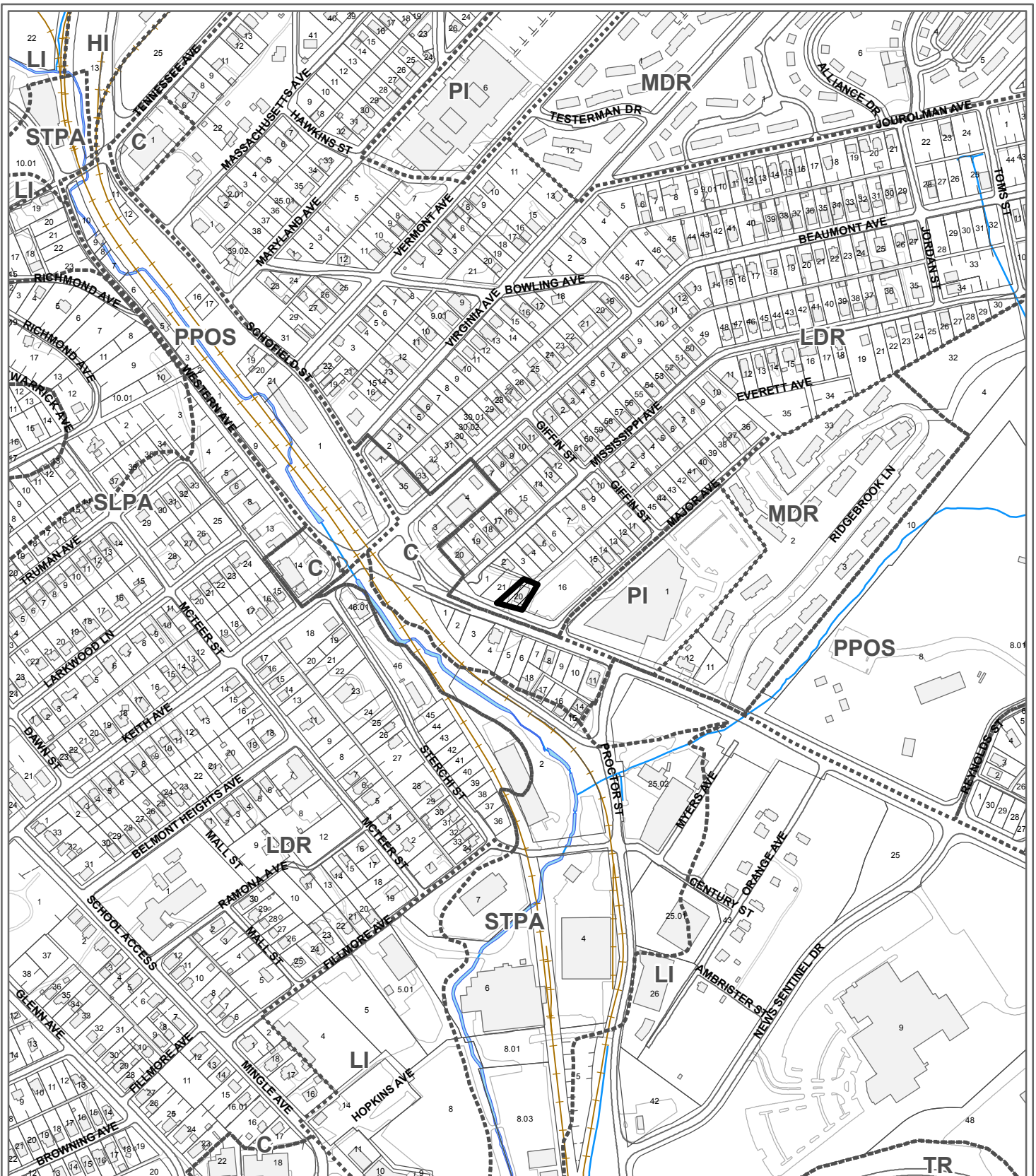
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. The law now provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/15/2012 and 5/29/2012. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**4-A-12-SP
CENTRAL CITY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential)

To: MDR (Medium Density Residential)

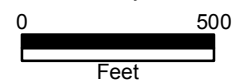


Petitioner: Philip Irminger and Elise Irminger

Map No: 94

Jurisdiction: City

Original Print Date: 3/19/2012 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902



**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE CENTRAL CITY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Central City Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, Philip Irminger & Elise Irminger, have submitted an application to amend the Sector Plan from Low Density Residential to Medium Density Residential, for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Central City Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Metropolitan Planning Commission, at its regularly scheduled public hearing on April 12, 2012, after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Central City Sector Plan, with its accompanying staff report and map, file #4-A-12-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that Knoxville City Council likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
PLAN AMENDMENT/REZONING REPORT**

FILE #: 4-A-12-RZ
4-A-12-PA

AGENDA ITEM #: 35
AGENDA DATE: 4/12/2012

APPLICANT: PHILIP IRMINGER AND ELISE IRMINGER
OWNER(S): Philip Irminger and Elise Irminger

TAX ID NUMBER: 94 G J 020
JURISDICTION: Council District 6

LOCATION: Northeast side Western Ave., northwest of Major Ave.

TRACT INFORMATION: 12000 square feet.

SECTOR PLAN: Central City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Western Ave., a major arterial street with 50' of pavement width within 75-85' of right-of-way in this section.

UTILITIES: Water Source: Knoxville Utilities Board
Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

PRESENT PLAN DESIGNATION/ZONING: GC (General Commercial) / C-3 (General Commercial)

PROPOSED PLAN DESIGNATION/ZONING: MDR (Medium Density Residential) / R-2 (General Residential)

EXISTING LAND USE: Residential

PROPOSED USE: Residential

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING
North: Residential / LDR (Low Density Residential) / R-1A (Low Density Residential)

South: Western Ave. - Residence / GC (General Commercial) / C-3 (General Commercial)

East: Parking lot / GC (General Commercial) / R-2 (General Residential)

West: Vacant property / GC (General Commercial) / R-2 (General Residential)

NEIGHBORHOOD CONTEXT: This area is developed with a mix of uses under R-1A, R-2, C-1, C-3 and I-3 zoning.

STAFF RECOMMENDATION:

RECOMMEND that City Council APPROVE MDR (Medium Density Residential) One Year Plan designation.

Medium density residential use is appropriate for this site, which is developed with a residence and located along a major arterial street. This amendment will bring the One Year Plan into consistency with the current and proposed future residential use of the subject property. MDR uses would be compatible with the surrounding land uses and zoning pattern.

► **RECOMMEND that City Council APPROVE R-2 (General Residential) zoning.**

R-2 zoning is an extension of zoning from the east and west and is consistent current residential use of the property.

COMMENTS:

ONE YEAR PLAN AMENDMENT REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN

A. **NEW ROAD OR UTILITY IMPROVEMENTS** - No known improvements to Western Ave. have occurred in recent years, but it is scheduled for improvements in the near future to the west. The existing streets and utilities are sufficient to accommodate the proposed use of the site.

B. **ERROR OR OMISSION IN CURRENT PLAN** - The current One Year Plan proposes general commercial uses for this area, consistent with the current C-3 zoning. Staff has recommended amending the plan to medium density residential, as this designation is consistent with both the existing and proposed use of the property involved.

C. **CHANGES IN GOVERNMENT POLICY** - No changes in government policy impact this proposal.

D. **CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS** - This site has been zoned C-3 for general commercial uses for many years, but residential continues to be the only use desired. In order to allow future residential improvements, the plan should allow for residential uses.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY

1. The request is an extension of R-2 zoning from the east and west and is compatible with the scale and intensity of surrounding development and zoning.
2. The subject property is developed with a residential structure, consistent with the requested R-2 zoning.
3. This site has been zoned C-3 for general commercial uses for many years, but residential continues to be the only use desired. The requested R-2 zoning will allow future residential improvements.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE

1. The requested R-2 zoning is a residential district to provide for medium population density. The principal uses of land may range from houses to low density multi-dwelling structures and developments. Certain uses, which are more compatible functionally with intensive residential uses than with commercial uses are permitted. Some recreational, religious, educational facilities and other related uses in keeping with the residential character of the district may be permitted on review by the planning commission. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and usable open space for dwellings and related facilities, and through consideration of the proper functional relationship to each use permitted in this district.
2. Based on the above description, R-2 is an appropriate zone for this site.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to serve the site.
2. Western Ave. is a major arterial street, sufficient to handle additional traffic that may be generated by R-2 development of the site.
3. The impact of the proposed rezoning should be minimal, as there is a mix of various zones and development in the area, including more intense commercial and industrial zoning.
4. The applicant wishes to establish R-2 zoning on the site for continued residential use of the property.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the recommended amendment to medium density residential, R-2 zoning is consistent with the City of Knoxville One Year Plan.
2. With the recommended amendment to medium density residential, R-2 zoning is consistent with the Central City Sector Plan.
3. The site is located within the City Limits of Knoxville on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knoxville City Council for action on 5/15/2012 and 5/29/2012. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**4-A-12-PA / 4-A-12-RZ
PLAN AMENDMENT**

From: GC (General Commercial)
To: MDR (Medium Density Residential)



Petitioner: Philip Irminger and Elise Irminger

Map No: 94
Jurisdiction: City

Original Print Date: 3/19/2012 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902





**4-A-12-RZ
REZONING**

From: C-3 (General Commercial)

To: R-2 (General Residential)



Petitioner: Philip Irminger and Elise Irminger

Map No: 94

Jurisdiction: City

Original Print Date: 3/19/2012
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

